

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent Application**

Applicants(s): Daniel John Devine and David Thompson

Case: 2

Serial No.: 10/787,376

Filing Date: February 26, 2004

Examiner: 2182

Group: Jasjit S. Vidwan

Title: Controller for Peripheral Communications with Processing Capacity for  
Peripheral Functions

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DECLARATION UNDER 37 C.F.R. §1.131

We, the undersigned, hereby declare and state as follows:

1. We are named joint inventors of the invention that is the subject of the above-referenced U.S. patent application. We have assigned our respective interests in the patent application to Agere Systems Inc. ("Agere").

2. The invention was conceived on or before May 13, 2003 and all inventive activity described herein took place in the United States of America.

3. Prior to May 13, 2003, we prepared an Agere System Requirements Document, entitled "USS2827 USB 2.0 Device Controller." A copy of the Requirements Document is attached hereto as Exhibit 1.

4. After preparing the Requirements Document, we prepared an Invention Submission document as required by Agere. On or about July 11, 2003, the Invention Submission document, subsequently assigned Submission No. 124809, entitled "ARM7 Processor based USB 2.0 Device Controller," was submitted to a former Agere in-house patent attorney, Robert P. Marley. The date that the Invention Submission document was Received by Agere IP Law is noted in the

upper right hand portion of the document as July 11, 2003. A copy of the Invention Submission document dated July 11, 2003 is attached hereto as Exhibit 2.

5. In accordance with the standard practices of Agere, the Invention Submission document was queued for review by the former in-house patent attorney, Robert P. Marley. Mr. Marley subsequently reviewed the Invention Submission and presented it for an internal review by the Agere Systems Patent Committee on or about August 13, 2003.

6. On or about September 10, 2003, the Agere Systems Patent Committee approved the assignment of the patent application to Ryan, Mason & Lewis, LLP ("RML").

7. The Requirements Document and the Invention Submission document describe an invention falling within one or more of the claims of the present application. For example, Applicants note that pending claims 4, 5, 10, 11, 17, and 18 are supported by FIG. 3 and the corresponding discussion of the present application (This figure appears on page 4 of the Requirements Document). Exhibits 1 and 2 provide evidence that the aspects of the invention claimed in claims 4, 5, 10, 11, 17, and 18 and supported by FIG. 3 were conceived on or before May 13, 2003.

8. On October 15, 2003, a letter was sent to Ryan, Mason & Lewis, LLP requesting that the patent application be prepared and filed. A copy of the letter dated October 15, 2003 is attached hereto as Exhibit 3. RML subsequently accepted the patent application request and, in standard practice with RML, assigned the application to Mr. Kevin Mason.

9. Mr. Kevin Mason subsequently reviewed the Requirements Document and Invention Submission document and requested a meeting with Mr. Daniel Devine, a co-inventor of the above-referenced application.

10. On or about January 12, 2004, Mr. Kevin Mason and Mr. Daniel Devine met to discuss the above-referenced application. A copy of an electronic mail message from Mr. Devine to Mr. Mason documenting this meeting is attached hereto as Exhibit 4.

11. Mr. Mason studied the Invention Submission document and notes from the meeting on or about January 12, 2004 and started preparation of the patent application.

12. On or about February 3, 2004, Mr. Devine provided electronic copies of the disclosure material via electronic mail to Mr. Mason. A copy of an electronic mail message from Mr. Devine to Mr. Mason documenting this exchange is attached hereto as Exhibit 5.

13. On or about February 5, 2004, a first draft of the present application was sent via electronic mail by Mr. Mason to Mr. Devine. A copy of an electronic mail message from Mr. Mason to Mr. Devine documenting this exchange is included in the email history shown in Exhibit 6.

14. Mr. Devine reviewed the application and met with a co-inventor to receive additional comments.

15. On or about February 23, 2004, Mr. Devine approved the draft application. A copy of an electronic mail message from Mr. Devine to Mr. Mason containing this approval is included in the email history shown in Exhibit 6.

16. A final draft was sent via electronic mail to Mr. Devine on February 23, 2004. A copy of an electronic mail message from Mr. Mason to Mr. Devine documenting this exchange is included in the email history shown in Exhibit 6.

17. The final draft was approved by Mr. Devine on February 23, 2004. A copy of an electronic mail message from Mr. Devine to Mr. Mason documenting this approval is included in the email history shown in Exhibit 6.

18. As noted above, the present patent application was filed by Mr. Mason on February 26, 2004.

19. All statements made herein of our own knowledge are true, and all statements made on information and belief are believed to be true.

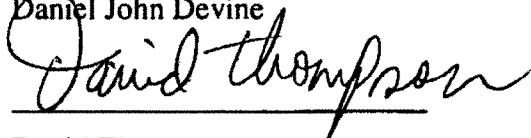
20. We understand that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and may jeopardize the validity of the application or any patent issuing thereon.

Date: 4/23/09

Date: 4/23/09



Daniel John Devine



David Thompson